

PROB 12
(Rev. 10/93)

United States District Court

for the

Eastern District of Pennsylvania

October 2, 2024

U.S.A. vs. Jose Antonio Cruz

Case No.: 5:24CR00276-001

VIOLATION OF SUPERVISED RELEASE

COMES NOW Ashley Maga U.S. PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Jose Antonio Cruz who was placed on supervised release by The Honorable David Counts sitting in the Court at Del Rio, TX, on the 9th day of May, 2023 who fixed the period of supervision at three years, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

ORIGINAL OFFENSE:

Conspiracy to transport illegal aliens (Count One).

ORIGINAL SENTENCE:

The defendant was sentenced to the custody of the U.S. Bureau of Prisons for a term of 14 months. Upon release from imprisonment, the defendant shall be on supervised release for a term of three years. A special assessment in the amount of \$100.00 was imposed and due immediately.

SPECIAL CONDITIONS:

1) The defendant shall provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office; 2) The defendant shall not incur new credit charges, or open additional lines of credit without the approval of the Court; and 3) If the judgment imposes a financial penalty, the defendant shall pay the financial penalty in accordance with the Schedule of Payments sheet of this judgment. The defendant shall notify the Court of any changes in economic circumstances that might affect the ability to pay this financial penalty.

TRANSFER OF
JURISDICTION:

On August 1, 2024, transfer of jurisdiction was accepted by this Court and assigned to the docket of Your Honor.

DATE SUPERVISION
COMMENCED:

September 5, 2023

RE: Cruz, Jose Antonio
Case No.: 5:24CR00276-001

DATE SUPERVISION

TERMINATES:

September 4, 2026

The above probation officer has reason to believe that the supervised releasee has violated the terms and conditions of their supervision under such circumstances as may warrant revocation. These conditions are:

- A. Standard Condition: The defendant shall not commit another federal, state, or local crime.

On November 4, 2023, Mr. Cruz was arrested by the Pennsylvania State Police-Hazleton on the following charges: driving under the influence (UM) and careless driving (S). Charges were officially filed on May 31, 2024.

According to the criminal complaint, on November 4, 2023, the Pennsylvania State Police-Hazleton made contact with Mr. Cruz while he was pulled over on the side of the road with his brakes depressed. The police department observed his head tilted downward and stopped to check on his well-being. During this contact, police observed a cup containing brown liquid in the center console and stated that his speech was thick/slurred. Mr. Cruz declined a Standard Field Sobriety Test (SFST), and he was not administered a Preliminary Breath Test (PBT).

A preliminary hearing has been scheduled for November 4, 2024.

GRADE OF VIOLATION

B

- B. Standard Condition: The defendant shall not commit another federal, state, or local crime.

On September 17, 2024, the Whitehall Police Department filed charges against Mr. Greggs for the following: forgery (F2); and theft by deception (F3)

According to the criminal complaint, on June 26, 2024, Mr. Cruz deposited a check in the amount of \$65,119.76 into his Members First Federal Credit Union checking account. The check was written from the "US Treasury" and made payable to Jose Cruz. Between June 28, 2024, and August 17, 2024, Mr. Cruz made withdrawals and purchases utilizing his checking account, totaling \$40,947.43. On August 22, 2024, Members First Federal Credit Union determined the involved check was fraudulent and subsequently froze the account. A ten-day demand letter was immediately drafted and sent to Jose Cruz. On September 16, 2024, the Whitehall Police

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Department interviewed Mr. Cruz, at which time he admitted to depositing the check and making the subsequent withdrawals. Mr. Cruz admitted he received the check from an associate he met at a bar in Allentown.

A preliminary hearing has been scheduled for October 7, 2024. Bail was set in this matter at \$25,000.00 and posted on September 30, 2024.

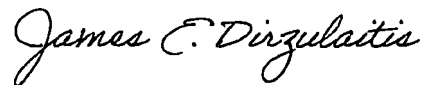
GRADE OF VIOLATION

PRAYING THAT THE COURT WILL ORDER...

**THE ISSUANCE OF A
SUMMONS DIRECTING
THAT THE NAMED
SUPERVISED RELEASEE
BE BROUGHT BEFORE
THE COURT FOR A
REVOCATION HEARING**

I declare under penalty of perjury
that the foregoing is true and
correct.

Respectfully,



James E. Dirzulaitis
Supervising U.S. Probation Officer
Place: Allentown, PA
Date October 2, 2024

AAM
cc: Assistant U.S. Attorney
Defense Attorney

ORDER OF THE COURT

Recommendation is **APPROVED**.
Considered and ordered this 2nd day of
October 2024, and **ORDERED** filed and
made part of the records in the above case.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro
NITZA I. QUIÑONES ALEJANDRO
Judge, United States District Court